

REMARKS

Status of the claims:

With the above amendments, claims 3, 5, 9, 11, and 14 are amended, claims 1-3 and 5-14 are pending with claims 3, 6-9, and 11 having been withdrawn from a prior restriction requirement. Thus, claims 1, 2, 5, 10, and 12-14 are ready for further action on the merits. No new matter has been added by way of the above amendments. All amendments are for form or to make the claims properly dependent from the claims from which they depend. For example, claim 3 has been amended by adding a period at the end of the claim. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §103

Claims 1, 2, 10, 12 and 13 are rejected under 35 USC §103(a) as being unpatentable over JP '175 (JP 59 150175) or Kato '003 (US Patent No. 5,349,003) in view of Pacifici '328 (US Patent No. 5,843,328).

Claim 5 is rejected under 35 USC §103(a) as being unpatentable over JP '175 in view of Pacifici '328 and further in view of Kubo '175 (US Patent No. 5,883,175).

Claims 1, 2, 10, 12, 13 and 14 are rejected under 35 USC §103(a) as being unpatentable over Amimoto '991 (US Patent No. 5,143,991) in view of Kato '003 and Pacifici '328.

These rejections are traversed for the following reasons.

Applicants respectfully point out that the transitional language in independent claims 1, 10, and 14 (which are the independent claims that are currently being examined) is "consisting essentially of". Thus, the claims are directed to a carpet containing a stainproofing agent that includes the claimed components but excludes materials that affect the basic and novel characteristics of the claimed invention. See MPEP 2111.03.

Applicants have performed comparative tests and submit these results in the form of a 37 CFR §1.132 declaration that shows that ingredients in JP '175 and Animoto '991 adversely affect the basic and novel characteristics of the claimed invention.

In particular, Fumihiko Yamaguchi, one of the inventors in the present invention performed comparative experiments wherein additional components that are present in the compositions in JP '175 and Animoto '991 were added to the composition of the instant invention.

In comparative experiment 1 (please see Table 1 of the declaration), diphenylmethane-bis-4,4' N,N'-ethyleneurea used in

examples 1 and 2 of JP '175 was added to example 1 of the invention. It can be seen from Table 1 that adding diphenylmethane-bis-4,4' N,N'-ethyleneurea adversely affects water repellency and stainproof properties, two properties that are important in the carpet art.

Comparative experiments 2 and 3 demonstrate that the copolymers taught by examples 1 and 2 of Animoto '991 decrease the stainproof ratio to less than 30%, a value that falls outside the scope of instant claim 1. Thus, the addition of this copolymer adversely affects the basic and novel characteristics of the claimed invention.

Because all of the above rejections include JP '175 and/or Animoto '991, Applicants believe that the 37 CFR §1.132 is sufficient to overcome all rejections. Withdrawal of the rejections is warranted and respectfully requested.

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$420.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Declaration by Inventor Fumihiko Yamaguchi